

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41133 of 2016**

Arising Out of PS.Case No. -42 Year- 2015 Thana -MAHILA P.S District- SUPAUL

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1. Samsa Khatoon wife of Md. Sarafat resident of village - Abhuar, Tola - Bhokrahi, P.S - Kishanpur, District - Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Abul Kaish son of Md. Hanif Marhum  
3. Sarbari Begum wife of Abul Kaish Both (2 & 3) residents of village - Abhuar, Tola - Bhokrahi, P.S. - Kishanpur, District - Supaul.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate  
For the Opposite Party/s : Mr. Smt. Asha Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
ORAL ORDER

2      06-12-2016                      The petitioner seeks cancellation of bail granted to the opposite parties No. 2 and 3 by an order dated 08.10.2015 passed by learned Incharge District and Sessions Judge, Supaul in connection with Supaul Mahila P.S. Case No. 42 of 2015 registered for the offence punishable under Sections 341, 323, 147, 380, 452, 120B, 420 and 406 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

On perusal of the First Information Report, I find that there is apparent dispute between the parties over settlement of a marriage.

Learned counsel appearing on behalf of the petitioner



has submitted that opposite parties No. 2 and 3 on Police bail under Section 41(a) of the Code of Criminal Procedure and, therefore, their application for anticipatory bail could not have been maintained.

I do not find any substance at all in the said submission. The discretion exercised by the Police under Section 41(a) does not amount to grant of bail to an accused. In such circumstance, it cannot be said that anticipatory bail application was not maintainable. Secondly, once the opposite parties have been granted bail, I do not find any reason to cancel the said privilege.

In the facts and circumstances and the nature of accusation against them, this application is accordingly dismissed.

**(Chakradhari Sharan Singh, J)**

Vats/-

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